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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,546	02/19/2004	Yoshitsugu Gokan	HGM-129-A	3248
21828	7590	01/21/2005		
			EXAMINER	
			KAMEN, NOAH P	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/782,546	GOKAN, YOSHITSUGU
	Examiner Noah Kamen	Art Unit 3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 10, 14 and 15 is/are allowed.
- 6) Claim(s) 1-9, 11-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkin et al (WO 91/16530) in view of Mitsuishi (JP 58-91917).

Atkin et al show (fig.1) crankshaft with helical gears 15. However, there are no split crank webs. Mitsuishi discloses a split webs with removable weights that has the advantage of easily selecting the desired balancing characteristics. It would have been obvious to one of ordinary skill in the art to split webs in Atkin et al for flexible balancing in view of Mitsuishi.

Response to Arguments

Applicant's arguments, with respect to the rejection of claims 1-8 as rejected by Atkin et al in view of Stewart, filed 1/12/05, have been fully considered and are persuasive. The rejection of claims 1-8 has been withdrawn.

Applicant's arguments filed 1/12/05 with respect to Atkin et al in view of Mitsuishi have been fully considered but they are not persuasive.

The applicant argues that Atkin et al show a herringbone gear, but fail to show a helical gear. The examiner contends that Atkin et al do show a helical gear and describes it as a slant gear. Atkin et al also allows for the alternate arrangement of using a herringbone gear.

The applicant argues that Atkin et al fail to show a split web. The examiner agrees, but then this deficit is remedied by the secondary reference of Mitsuishi.

The applicant argues that various advantages of the instant invention are not suggested by the prior art. The examiner contends that it is the limitations set forth in the claims that determine patentability.

The applicant argues with respect to claim 5, that the combination of references fails to teach: 1) a split web on one side of a crankpin and a geared web on the other or 2) a second web between the first balance weight and gear. The examiner contends 1) Atkin et al clearly show a crankpin with a geared web on one side and a non geared web on the other; to modify the nongeared web using the split web is suggested by Mitsuishi, and 2) that there is no way that second crank web can be situated between the first balance weight and gear because the first balance weight mounting portion and gear are mounted on either side of the crankpin and a crankpin can only secure two webs; applicant should identify those elements by number so that the examiner may be able to offer suggestions on how to correct this error.

The applicant argues with respect to claim 13 that Mitsuishi fails to show a plurality of fasteners. The examiner contends that figure 2 clearly shows two bolts.

Allowable Subject Matter

Claims 10, 14, and 15 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah Kamen whose telephone number is 571 272 4845. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571 272 4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Noah Kamen
Primary Examiner
Art Unit 3747

nk